



**PIMA COUNTY ELECTION INTEGRITY COMMISSION  
MEETING MINUTES FOR FEBRUARY 19, 2016**  
<http://www.pima.gov/commission/ElectionIntegrity.shtml>

The Pima County Election Integrity Commission met in regular session on February 19, 2016 at 9:00 a.m. in the Herbert K. Abrams Building, 3rd Floor Conference Rooms 3108/3110 at 3950 S. Country Club Road, Tucson, Arizona.

**ITEM 1. ROLL CALL**

Present: Arnie Urken, Matt Smith, Brian Bickel, Barbara Tellman, Bill Beard, Beth Borozan, Jeff Rogers, Brad Nelson, Karen Schutte, Chris Cole, and Tom Ryan.

**ITEM 2. PLEDGE OF ALLEGIANCE**

The American flag was saluted with the Pledge of Allegiance.

**ITEM 3. APPROVAL OF MINUTE SUMMARY – January 15, 2016**

It was moved by Chris Cole, seconded by Barbara Tellman and carried unanimously to approve the Minutes of the January 15, 2016 meeting.

**ITEM 4. CALL TO PUBLIC**

No public in attendance.

**ITEM 5. TRACKING NEW LEGISLATION – Bill Beard**

Bill Beard referred to the latest version of election legislation [a copy of this legislation is incorporated into these Minutes as Attachment 1]. Since he compiled the information a couple of days earlier, he apologized if there was action on any of the bills that occurred after it was sent out. On the list, the ones that had some serious headway are highlighted in bold.

There are five House bills now in the Senate, and one Senate bill over in the House. Ballot harvesting is a hot button issue in the Legislature; there is action around Clean Elections; the PPE funding bill is making progress. Since the Open Meeting Law is something that concerns the EIC, Bill included HB2583. It would require that all public meetings of public bodies have to be video recorded.

The Secretary of State's Office has indicated that the *Elections Procedures Manual* rewrite has been postponed pending action on legislation.

Chris Cole attended the state convention for the Libertarian Party, and the party chair said that at a meeting he attended with staff of the Secretary of State's Office, there was discussion of completely eliminating the PPE. Chris asked if this is something that is going to happen; Bill responded that it would be after this cycle. Chris asked what kind of support there is for that; Bill's response was that the Secretary has stated publically that she doesn't believe the PPE should be paid for by the State since one-third of voters do not get to participate. He has heard similar things from both sides of the political aisle. Brian Bickel added that it was placed in the hands of the State to bring some efficacy to the PPE, but it has been found that is not the case. The purpose for creating it has been found to be invalid.

Getting back to the Open Meeting Law, Arnie mentioned that at a meeting he had attended, the public body had a call to the public at the beginning, and then about three-quarters of the way through the meeting, made another call to the public because the chairman thought it was good to have some other comments. This is done at school board meetings; Jeff said they do that during the Charter Commission. Arnie pointed it out because he thought it was interesting. Bill added that the video recording would not be just of the open portion of the meeting, but also during executive session.

Tom asked Brad if any of the bills on the list would affect his operation; Brad responded that prior versions of the ballot harvesting bill required that if an individual brought in more than the threshold of ballots, the poll workers would have been required to document who the person was, which would have impacted them greatly.

Later in the meeting, Bill received a text that SB1516, which is the Secretary of State's rewrite of campaign finance laws, passed the second Senate committee.

**ITEM 6. UPDATE TO PROCEDURES MANUAL & ELECTION LAW REVISIONS – Tom Ryan**

- **Communication from Secretary of State's Office on their proposed changes**

Tom sent a request to Eric Spencer several days ago but had not gotten a response.

**ITEM 7. INVITATION TO ES&S TO ATTEND FUTURE EIC MEETING – Tom Ryan**

Tom has been in discussion with Ken Carbullido, Vice President of ES&S, about capabilities of the new system. He has agreed to come to the March 18<sup>th</sup> EIC meeting. The Commission needs to decide what they would like him to do. Tom would like him to give a presentation on the data flow—what happens to a ballot when it is put into the machine, how is it processed, where does the data go, how does the data get from the scanner to the server, etc., and then a discussion of reports that the system can generate. Tom would like to see if anyone else has questions. Barbara said she would be interested to hear what he can tell them about the new software. On that topic, Brad said there is a new piece of certified software. Currently Pima County is on EVS5200; recently, EVS5210 has been certified. That edition pertains predominantly to the electronic poll book environment, which we don't have, but it does fix an issue that he saw in the last election. There were jurisdictions on the ballot that were less than county-wide, such as Oro Valley. As Oro Valley precincts were counted, the software should have incremented the [12] precincts within Oro Valley—each time a different precinct was counted, it should have shown one of [12], two of [12], etc., but it did not. This new version will not be available for the March 22<sup>nd</sup> election, but will be available for the May election. This is the only version that has made it through the various hurdles. There is a version EVS5400 that Brad believes is still in testing at the federal level. Tom asked what

is on the 5400 that is not on the 5200; Brad is not altogether certain, though he did mention that it should cut the image transmission time in half. But the one to ask those questions to is the one in ES&S who tests the software.

Matt Smith said he has read online that ES&S has been hackable, and he would like to know about the security of their systems. Tom asked Matt if this relates to an insider, since the system is not online. Matt would like to know in general terms how they ensure the system security.

**ITEM 8. PLANS FOR 2016 ELECTIONS – Brad Nelson**

• **PPE – Hand Count Audit**

March 22, 2016 is the Presidential Preference Election; ballots are printed and we are ready to go. The Elections Department has received from the Secretary of State the text for Prop 124 which will appear on the May 17<sup>th</sup> ballot. Prop 123 pertains to education funding/state trust land. Prop 124 will be pension reform, specifically for public safety employees. Those will be the only two issues on the ballot. The publicity pamphlet and sample ballot will be mailed out by the Secretary of State. The legislation that brought about the May 17<sup>th</sup> election also says that it shall be conducted in the same manner as the PPE, so there will be a reduced number of polling locations. The funding for the election has been approved. August 30<sup>th</sup> will be the regular Primary and the General Election will be November 8<sup>th</sup>.

Brad referred to the modified list of polling places for the March 22<sup>nd</sup> PPE [a copy of the list of polling places is incorporated into these Minutes as Attachment 2B; Attachment 2A is a transmittal memo to the Pima County Board of Supervisors]. In calculating eligible registered voters for the original list of polling places for the PPE approved by the Board in January, Brad subtracted the number of voters not eligible to vote such as independent, party undeclared voters and Libertarian voters in each precinct. In addition, he subtracted the number of Permanent Early Voting List (PEVL) voters. The statute says that if a polling place would have 300 or less voters, you can make that precinct all-ballot-by-mail. The County Attorney contacted Brad and told him that, strictly speaking, the formula Brad used by taking out the PEVL voters is not explicitly in the statute, and, even though it may sound reasonable, he couldn't use that in his formula. Previously, there were 114 polling places and 61 all-mail precincts; now there are 124 polling places and 15 all-mail precincts. Brad would like to have this addressed in the *Procedures Manual* to add PEVL voters in the formula.

All voters receiving an all-mail packet will also be notified that there is no polling place for their precinct and no opportunity for them to go to the polls. But they will also be notified on how to return their ballot in time.

The Elections Department received the candidate list for both parties; certainly within the Republican Party, many of the candidates have suspended their campaigns. They are still on the ballot; there is nothing in the law that says when a candidate suspends their campaign that you take their name off the ballot. And Brad suspects that by March 22<sup>nd</sup>, more and more candidates will suspend their campaigns. Karen Schutte asked if there was a requirement to post some kind of notice on the suspended candidates; Brad responded that it has not happened before but since it is the Secretary of State's office that receives the information, it is up to them to provide some kind of notification. Since they certify the ballot, Brad must follow their lead.

Bill Beard brought up the issue of the hand count audit. As chair of the Republican Party, Bill received an email from Brad basically suggesting that they do away with the hand count audit for the PPE because it was Easter weekend. As someone who sits on the EIC and who has worked

diligently to make sure things are done the right way every single time, he was disappointed and disheartened that someone in the Department would suggest that Pima County not conduct a hand count audit. Tom agreed that it should be a routine part of any election.

Karen Schutte asked how many hand count people would be needed; since it will be Easter weekend, it may be difficult to get people. Brad said that, though they will count all three parties' ballots, they will be counting 4% of 124 polling places and then the early ballot batches; the number of early ballot batches counted is based on the number of early ballots mailed out. Brian Bickel asked how the number of auditors is calculated; Brad responded the statute says that the parties shall supply two people per polling place counted. The statute is silent on the number of people needed to count early ballot batches. When Brad sends the letter to the parties, he tells them how many auditors will be needed for the polling places, and suggests that twice that number will be needed to also handle early ballot batches. The parties can also assign auditors that do not actually belong to their party.

## **ITEM 9 §16-602 HAND COUNT AUDIT STATUTE REVISIONS – Tom Ryan**

- **Revision options**
- **Risk-limiting audits, potential pilot study**

Tom has been doing a lot of research on what the options are for revising §16-602, looking specifically at risk-limiting audits. Tom referred to his handout on risk-limiting audits [a copy of this handout is incorporated into these Minutes as Attachment 3]. At the end of his handout, Tom added a quote from the *2013 Presidential Commission on Election Administration*, which was the document the EIC went through in some detail a few years ago.

Tom has been in touch with Phillip Stark, a professor at Cal-Berkley, who invented the risk-limiting audit. He has recently conducted a number of pilot studies in California, Colorado and Ohio. Some of these states have passed legislation to put these audits in place in a few years. Tom and he discussed the possibility of conducting a pilot study here. It is mathematically based and is designed to determine whether the correct outcome occurred with a specified level of confidence. For a statewide issue, the number of ballots can be shared across the state proportional to the number of votes in each county. The Pima County system appears to be able to do the ballot-comparison audit, but would require two steps not currently being done: the scanners would have to put a serial number on every ballot, physically sprayed onto the ballot; and then the system has to also be able to create a "cast vote record" which has a list of serial numbers and a record of how each ballot was voted. When you're done, there is a spreadsheet showing every ballot's serial number and how it was voted. For the audit, serial numbers would be randomly selected and the ballots pulled, so the boxes of ballots would have to be kept in serial number sequence. If ballots are kicked out and fed back through the system, a second number is applied to the ballot. Arnie Urken asked if it will track undervotes; Tom responded it will track under- and overvotes.

Phillip Stark is interested in helping do a pilot study here, and he and Tom discussed doing it for the May election. The issue with the May election is that it is a statewide election and for a true outcome, the audit would have to be done statewide. But what Phillip Stark suggested we do is treat it as though Pima County's is the result. We would invite Eric Spencer and anyone else from the Secretary of State's office to come see how this kind of audit is done and how simple it is, and encourage the State to get involved. If an audit like this were to be conducted on a statewide election, every county would need to participate and it would have to be coordinated at the State level. For the ballot-comparison audit to be valid, all counties would have to have the capability [as

Tom outlined above]. Otherwise, the ballot-polling audit could be done which is still a risk-limiting audit and requires a whole lot more ballots.

Karen Schutte asked, if the County's new election system has the capability of adding a serial number to ballots, how is this done? Brad responded that it would just need an ink jet cartridge added to the scanner. Karen asked what else can be printed on the ballot; Tom responded that the serial number is the only thing it can print.

Tom said Phillip Stark would be interested in doing a short presentation on this at the March 18<sup>th</sup> meeting by video. Tom asked staff to investigate the possibilities. Barbara Tellman asked if Phillip Stark would do the pilot study for free, or would he charge for it; Tom responded that he thinks that Verified Voting would pay for his travel to come here and it would not cost us anything. Barbara's other question is, at what point in the process does this happen and is there any problem with using ballot images according to current law and regulation? Tom responded that with this process, ballot images should not be used, and the physical ballots should be found and used. Barbara responded that would entail breaking seals on boxes and affecting the chain of custody. Tom said it would be done within the timeframe of the regular hand count audit, and serial numbers would be randomly selected in whatever sample size is indicated, and the sample size is determined by the margin in the race. So 100 or 200 ballots would be audited. Barbara suggested that could entail a lot of work even if they are sequential, and the seals would also be broken. She foresees a conflict separating out ballots for the hand count audit versus separating out ballots for the risk-limiting audit. Tom thinks that in the long run, the hand count procedure would be reduced and simplified because that is the performance part of this audit. We definitely want to do something that measures the system's performance but it wouldn't need to be very large if there is a separate audit that is confirming your outcomes.

Tom said it would be good to have both presentations at the same time; he would like Phillip Stark to be able to ask questions of ES&S about Pima County's system.

Barbara asked what changes to the statute would need to be made to do the risk-limiting audit and is there the assumption that this couldn't be done under current law; Tom didn't think there is anything to prevent it. He would invite Eric Spencer to be involved in the pilot study. If you look at risk-limiting audit language in other states, it simplifies things and eliminates things like the Vote Count Verification Committee. The language could be simplified; for example, defining a performance audit and giving some options.

#### **ITEM 10. CENTRAL COUNT SYSTEM ISSUES – Bill Beard**

- **Ballot image storage and transfer**
- **Software support for risk-limiting audits**
- **Software update timeframe**

Brad Nelson said the hard drive has been repartitioned; a lot of the belts that move the ballots through the process have been replaced. EVS5210 will supposedly change the number of precincts counted within a jurisdiction; this version will be out in time for the May 17<sup>th</sup> election. To resolve the human error of inflated voter registration figures, there has been communication between the Elections Department and the Recorder's Office. The scanner that had problems during the November election was repaired several times, and Brad directed ES&S to replace it; it has now been replaced. The layout of the system has been redesigned to solve the congestion problem when ballot boxes were coming in to the counting room. Barbara asked if the noise problem had been resolved; Brad explained the "joggers" are the machines that vibrate the ballots so they are all

nice and square. These were sitting on a folding table which made a lot of racket. They are going to use something sturdier. The jogger still makes noise, but it will be less.

Questions came up about storage of physical ballots; Brad explained that they are stored in the custody of the Treasurer and retained according to the type of election. If an election for a federal office they are retained for 24 months, until the next General Election. If for a smaller election, state law says six months.

Tom had offered some suggestions for storing ballot images at a prior meeting; Brad would like to explore them and will do so during the PPE. Tom reviewed the options: leave the images on the scanners, which have way more storage than would be needed for an election in Pima County, and then transfer the images to the server at a later time. This could impact the use of the images for tallying write-in votes. Brad explained that for the PPE and May 17<sup>th</sup> elections, there will be no write-in votes. The second option is to use one scanner to transfer every night and, for the purpose of documentation, keep track of how long it takes. But you don't want to load them into the database, because then you are duplicating images; just transfer them into the server. The third option is to transfer them all the way to the database, and end up duplicating images over and over again. Karen Schutte pointed out that one important time consuming element has been left out. Images go from the scanner to the server and then to the backup. It was taking just as long to get to the backup server as it was from the scanners to the server.

Arnie Urken asked if there is a way for voters to see a list of write-in candidates. Brad responded that it depends upon the environment; if at the polling place, a list is posted of *bona fide* write-in candidates. If they are a voter who received an early ballot, they are directed to go to the website for a list of write-ins.

Tom brought up the feasibility of doing an automated transfer of images overnight when no one is there. He asked Brad if there is any law that would prevent him from doing that; Brad said there is not. But if the political party observers are present to see that the process is started, Brad said that seals could literally be put on the outside doors, and the cameras operate 24/7 and are motion-activated so they will turn on if anyone goes into that room.

Tom asked Brad if there was the possibility of testing the serializer. Brad responded that he ordered the ink cartridge and that can be tested. Brad asked if there is a potential of duplicate numbers with four scanners applying serial numbers. Tom said that each scanner could be programmed to use a different set of sequential numbers. Brad suggested making the first digit the scanner number.

Brian Bickel and Karen Schutte both questioned the efficacy of experimenting with storage of ballot images if they aren't going to be used, while slowing down the system. We did a good test with images in November, and know that a future version of the software will be coming out, so why "mess" with the images? Tom responded that with valid audits, there is less of an incentive to need them. Karen reiterated that the software isn't there yet and it isn't realistic to spend the time to download images. Why not wait until the new version is available?

#### **ITEM 11. ELECTION DATABASE STRUCTURE AND DISTRIBUTION – Tom Ryan**

This is another topic that Tom discussed with Ken Carbullido. From what Tom can tell, it looks like there are two files that would be ideal. One is a statement of votes cast, which can be loaded into Excel, and the other is the cast vote record. Tom asked Brad if he had looked into that; according to Mr. Carbullido, it can be produced to which Brad concurred. Tom asked Brad to produce an

example of each for the next meeting. Brian asked what the difference between those two files is; Brad responded that the cast vote record shows results for every ballot, and the statement of votes cast is a summary.

**ITEM 12. DRAFTING 2015 ANNUAL REPORT – Tom Ryan**

Tom asked if there were any comments on the draft of the 2015 Annual Report [a copy of the Annual Report is incorporated into these Minutes as Attachment 4].

***MOTION & VOTE***

Barbara Tellman moved to accept the 2015 Annual Report to be submitted to the Board of Supervisors; Karen Schutte seconded. The motion was carried unanimously.

Tom requested that staff send the Report to the Board of Supervisors.

**ITEM 13. FUTURE AGENDA ITEMS**

Risk-Limiting Audits and ES&S visit  
New Legislation  
Plans for 2016 Elections

**ITEM 17. NEXT MEETING DATES**

The next meeting date will be March 18, 2016.

**ITEM 18. ADJOURNMENT**

It was moved by Chris Cole and seconded by Bill Beard and unanimously carried to adjourn the meeting. The meeting adjourned at 10:45 a.m.

## Election Related Bills at the Legislature

PCEIC - Beard

February 2016

<b>Bill</b>	<b>Description</b>	<b>Sponsor</b>	<b>Status</b>
HB 2010	Ballot Harvesting	Kern	2 <sup>nd</sup> Read
HB 2015	Publicity Pamphlets – Earlies Mailed AFTER Pamphlet	Stevens	<b>Senate 2<sup>nd</sup> Read</b>
HB 2016	Early Ballots – Mail 21 days instead of 27 days  Changed to PEVL Cancelation	Stevens	<b>3<sup>rd</sup> Read</b>
HB 2017	Early Voting – Extend Time to Post Signs	Stevens	<b>Senate 2<sup>nd</sup> Read</b>
HB 2023	Ballot Harvesting	Ugenti-Rita	<b>Senate 2<sup>nd</sup> Read</b>
HB 2039	Election of Judges	Finchem	2 <sup>nd</sup> Read
HB 2053	Provisional Ballots – Allow Some Votes as Valid	Friese	2 <sup>nd</sup> Read
HB 2083	Exploratory Committee Remove	Stevens	<b>3<sup>rd</sup> Read</b>
HB 2084	Voter Registration Records – Death Records	Stevens	<b>Senate 2<sup>nd</sup> Read</b>
HB 2093	Campaign Finance Disclosures	Clark	2 <sup>nd</sup> Read
HB 2094	Notify Voter Ballot Defects	Clark	2 <sup>nd</sup> Read
HB 2095	Ind Expenditures – Corporations Disclosures	Clark	2 <sup>nd</sup> Read
HB 2096	Ind Expenditures – Corp/Union Audits	Clark	2 <sup>nd</sup> Read
HB 2097	Automatic Voter Registration	Clark	2 <sup>nd</sup> Read
HB 2098	Campaign Finance Recipients of Corp \$ - Register	Petersen	2 <sup>nd</sup> Read
HB 2121	Clean Elections – Voter education	Petersen	<b>Senate 2<sup>nd</sup> Read</b>
HB 2252	Lt Governor Duties	Mesnard	<b>COW</b>
HB 2283	Ranked Choice Voting	Mendez	2 <sup>nd</sup> Read
HB 2289	PC's – Write-Ins	Bowers	2 <sup>nd</sup> Read
HB 2296	Charitable Contributions to Campaigns Disclosure	Mesnard	2 <sup>nd</sup> Read
HB 2297	Political Advertisers – Contributor Disclosures	Clark	2 <sup>nd</sup> Read

**ATTACHMENT 1**

<b>Bill</b>	<b>Description</b>	<b>Sponsor</b>	<b>Status</b>
HB 2373	RTA Extension Election Extension Authorization	Shope	<b>3<sup>rd</sup> Read</b>
HB 2428	Publicity Pamphlets – Electronic Filing	Stevens	<b>3<sup>rd</sup> Read</b>
HB 2429	Electronic Filing – Local Officials file SOS	Stevens	<b>3<sup>rd</sup> Read</b>
HB 2440	Municipal District Improvements Elections	Petersen	<b>3<sup>rd</sup> Read</b>
HB 2456	National Popular Vote – Interstate Compact	Mesnard	<b>COW</b>
HB 2477	PC – Term of Office –Canvas Date	Ugenti-Rita	<b>3<sup>rd</sup> Read</b>
HB 2534	County Wide Vote By Mail	Shope	
HB 2557	Technical Corrections – Deceptive Mailings	Ugenti-Rita	
HB 2567	PPE Funding	Gowan	<b>COW</b>
HB 2570	Ballot Statement – Local Bonds	Allen	<b>3<sup>rd</sup> Read</b>
HB 2580	ON-Line Election Information	Friese	
HB 2583	Open Meetings – Video Record Open and Exec	Stevens	<b>2<sup>nd</sup> Read</b>
HB 2592	Non-Profits – Electronic Voting	Ackerley	2 <sup>nd</sup> Read
HCR 2002	School Super – Gov Appointee	Friese	
HCR 2003	Mine Inspector – Gov Appointee	Friese	
HCR 2009	Ind Redistricting Com – Members Elected	Petersen	<b>3<sup>rd</sup> Read</b>
HCR 2013	Clean Elections Repeal	Ugenti-Ritaq	
HCR 2020	Lt Governor – Joint Ticket	Mesnard	<b>Caucus</b>
HCR 2028	Election of Judges – Terms	Finchem	2 <sup>nd</sup> Read
HCR 2035	Clean Elections Lobbying	Petersen	2 <sup>nd</sup> Read
HCR 2043	Legislature Authority to Modify Initiative/Refer	Mesnard	2 <sup>nd</sup> Read
HCR 2046	Voting Age 16	Mendez	
HCR 2047	Initiative/Referendum	Thorpe	2 <sup>nd</sup> Read
	Minimum Signatures Outside Pima/Maricopa		
SB 1007	Dr License – Automatic Voter Registration	Sherwood	2 <sup>nd</sup> Read
SB 1027	PPE Include Independent Voters	Quezada	2 <sup>nd</sup> Read
SB 1028	Extended Early Voting Hours	Quezada	2 <sup>nd</sup> Read

<b>Bill</b>	<b>Description</b>	<b>Sponsor</b>	<b>Status</b>
SB 1029	Voter Registration – SS #	Quezada	2 <sup>nd</sup> Read
SB 1030	PEVL Verification	Quezada	2 <sup>nd</sup> Read
SB 1031	Vote Centers on Campus	Quezada	2 <sup>nd</sup> Read
SB 1032	Election Procedures – Vote centers	Quezada	2 <sup>nd</sup> Read
SB 1033	Felon – Voting Rights Restoration	Quezada	2 <sup>nd</sup> Read
SB 1034	Voter ID – Repeal	Quezada	2 <sup>nd</sup> Read
SB 1035	Petitions – Notary Requirement Removed	Quezada	2 <sup>nd</sup> Read
SB 1069	Campaign Finance Disclosures	Quezada	2 <sup>nd</sup> Read
SB 1071	Ind Expenditures – Corporations Disclosures	Quezada	2 <sup>nd</sup> Read
SB 1072	Ind Expenditures – Corp/Union Audits	Quezada	2 <sup>nd</sup> Read
SB 1073	Same Day Voter Registration	Quezada	2 <sup>nd</sup> Read
SB 1074	Voter ID – VA, Student ID	Quezada	2 <sup>nd</sup> Read
SB 1075	Statewide Voter Registration – Portability	Quezada	2 <sup>nd</sup> Read
SB 1076	Provisional Ballots – Partial Tally	Quezada	2 <sup>nd</sup> Read
SB 1077	Provisional Ballot – Tally	Quezada	2 <sup>nd</sup> Read
SB 1078	Provisional Ballot Verification	Quezada	2 <sup>nd</sup> Read
SB 1079	Voter Registration Deadline – 14 Days	Quezada	2 <sup>nd</sup> Read
SB 1080	Early Ballot – Allow election Day Postmark	Quezada	2 <sup>nd</sup> Read
SB 1081	Early Ballot Verification – Cure	Quezada	2 <sup>nd</sup> Read
SB 1082	Election Date – Tech Corrections	Shooter	2 <sup>nd</sup> Read
SB 1165	National Popular Vote	McGuire	
SB 1174	Lobbying Public Officials – Disclosure	Farley	2 <sup>nd</sup> Read
SB 1175	Campaign Finance – Ind Expenditure Disclosure	Farley	2 <sup>nd</sup> Read
SB 1202	Same Day voter Registration	Sherwood	2 <sup>nd</sup> Read
SB 1203	Early Voting Locations – Hours of Operation	Sherwood	2 <sup>nd</sup> Read
SB 1218	National Popular Vote	Shooter	
SB 1260	Dr License – Automatic Voter Registration	McGuire	2 <sup>nd</sup> Read

<b>Bill</b>	<b>Description</b>	<b>Sponsor</b>	<b>Status</b>
SB 1341	Early Ballot Vote at Polls	Quezada	2 <sup>nd</sup> Read
SB 1342	Dr. License – Automatic Voter Registration	Sherwood	2 <sup>nd</sup> Read
SB 1351	School Bond Elections Exclusions	Lesko	2 <sup>nd</sup> Read
SB 1360	Countywide – All Mail Voting	Worsley	2 <sup>nd</sup> Read
SB 1391	Election and Ethics Commission	Quezada	2 <sup>nd</sup> Read
SB 1392	Automatic Voter Registration – Dr License	Quezada	2 <sup>nd</sup> Read
SB 1429	Public Retirement Systems Special Election	Lesko	<b>House Caucus</b>
SB 1453	Judicial Elections	Shooter	2 <sup>nd</sup> Read
SB 1480	Clean Elections Violations	Sherwood	2 <sup>nd</sup> Read
SB 1486	PPE Funding	Biggs	2 <sup>nd</sup> Read
SB 1516	Campaign Finance Amendments	Driggs	2 <sup>nd</sup> Read
SB 1519	Early Ballot Collection Receipt	Dial	2 <sup>nd</sup> Read
SCR 1015	Clean Elections – Judges	Dial	2 <sup>nd</sup> Read
SCR 1017	Redistricting Commission – Membership	Dial	2 <sup>nd</sup> Read
SCR 1020	Judicial Elections – Term of Office	Shooter	2 <sup>nd</sup> Read

For more information on specific legislation - <http://www.azleg.gov/Bills.asp>



**ELECTIONS DEPARTMENT**  
PIMA COUNTY GOVERNMENT  
6550 S. COUNTRY CLUB ROAD TUCSON AZ 85756  
(520) 724-6830 FAX (520) 724-6870

To: Pima County Board of Supervisors

From: Brad R. Nelson, Election Director

A handwritten signature in black ink, appearing to read "Brad", is written over the printed name "Brad R. Nelson".

Date: February 3, 2016

Re: Establishment of polling places for March 22, 2016 PPE

On January 19, 2016, the Board of Supervisors established polling places for the March 22 Presidential Preference Election (PPE). After that Board action, a question surfaced regarding the number of precincts that had been designated as being All Mail Ballot (no polling place). The County Attorney contacted me and said that although the number of designated All Mail Ballot precincts was reasonable given the number of voters who had requested to be on the Permanent Early Voter List (PEVL), the number of voters on the PEVL could not be used in determining which precincts could be designated as All Mail Ballot.

On February 16, 2016, the Board of Supervisors will be asked to modify the action of January 19, 2016 and reduce the number of precincts that were previously designated as All Mail Ballot. Previously, the Board had established 114 polling places and 61 All Mail Ballot precincts. On February 16, the Board will be asked to establish 124 polling places and 15 All Mail Ballot precincts.

A sample ballot will be mailed to each eligible voter household in advance of Election Day to inform voters of the location of their polling place. Voters from the All Mail Ballot precincts will receive a notice with their mail ballot packet that informs them of the absence of a polling place.

The polling places are grouped by Congressional District (CD1, CD2, and CD3) as all Arizona counties are required by statute to tabulate and report election results by Congressional District.

### March 22, 2016 PPE Polling Place Proposals

<b>Precinct</b>	<b>Voting Area</b>	<b>2016 Polling Places</b>	<b>ADDRESS</b>	<b>CD</b>
006	1	TOWN OF MARANA PARKS & RECREATION DEPARTMENT	13251 N LON ADAMS ROAD	1
012,013	2	ORO VALLEY CHURCH OF THE NAZARENE	500 W CALLE CONCORDIA	1
014,035,223	3	WHEELER TAFT ABBETT, SR. BRANCH LIBRARY	7800 N SCHISLER DRIVE	1
024,188	4	VISTA DE LA MONTANA UNITED METHODIST CHURCH	3001 E MIRA VISTA LANE, NORTH OF WILDS ROAD	1
040	5	COUNTRYSIDE COMMUNITY CLUB	9151 N BALD EAGLE AVENUE	1
077,173,212	6	ORO VALLEY PUBLIC LIBRARY	1305 W NARANJA DRIVE	1
104	7	REDEEMER EVANGELICAL LUTHERAN CHURCH & SCHOOL	8845 N SILVERBELL ROAD	1
115,242	8	SUNFLOWER VILLAGE CENTER	9401 N SUNFLOWER PARK DRIVE	1
127	9	HERITAGE HIGHLANDS COUNTRY CLUB	4949 W HERITAGE CLUB BOULEVARD	1
145	10	SUN CITY ORO VALLEY -CATALINA VISTA	14055 N DEL WEBB BOULEVARD	1
169,172	11	THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (Arrowsmith)	55 W ARROWSMITH DRIVE	1
184,194,200	12	CANYON DEL ORO ASSEMBLY OF GOD	2950 W LAMBERT LANE	1
216	13	RESURRECTION LUTHERAN CHURCH	11575 N 1ST AVENUE	1
011	14	AMERICAN LEGION POST 109	15921 S HOUGHTON ROAD	2
134,146	15	BEAUTIFUL SAVIOR LUTHERAN CHURCH	7570 N THORNYDALE ROAD	2
039,046,197	16	BETHEL BAPTIST CHURCH	11040 E ESCALANTE ROAD	2
094,096	17	CENTRAL CHURCH OF THE NAZARENE	404 S COLUMBUS BOULEVARD	2
148,219,226	18	CHRIST THE KING EPISCOPAL CHURCH	2800 W INA ROAD	2
133,177	19	CLEMENTS REGIONAL CENTER	8155 E POINCIANA DRIVE	2
083,147,209	20	CORNERSTONE BAPTIST CHURCH	18280 S LA CANADA DRIVE	2
131,181	21	MT. OLIVE LUTHERAN CHURCH	2005 S HOUGHTON ROAD	2
015,079,081,185	22	CORTARO VISTA COMMUNITY CHURCH	8600 N CAMINO DE OESTE	2
123,124,156	23	D.A.V. CACTUS CHAPTER #2	3455 S WILMOT ROAD	2
049,095,176	24	DESERT SKY MIDDLE SCHOOL	9850 E RANKIN LOOP	2
141,207	25	CASA PALOMA RECREATION CENTER	400 N CIRCULO DEL PALADIN	2
128	26	EAST TUCSON BAPTIST CHURCH	9100 E SPEEDWAY BOULEVARD	2
105,113	27	EASTSIDE ASSEMBLY OF GOD CHURCH	1930 S WILMOT ROAD	2
098	28	ECKSTROM-COLUMBUS LIBRARY	4350 E 22ND STREET	2
121,174	29	EL CAMINO BAPTIST CHURCH	7777 E SPEEDWAY BOULEVARD	2
031,032	30	ELLIE TOWNE FLOWING WELLS COMMUNITY CENTER	1660 W RUTHRAUFF ROAD	2
218,224	31	EMPIRE HIGH SCHOOL	10701 E MARY ANN CLEVELAND WAY	2
112,163	32	ESPERERO CANYON MIDDLE SCHOOL	5801 N SABINO CANYON ROAD	2
034,036,038	33	FLOWING WELLS ASSEMBLY OF GOD CHURCH	3198 N FLOWING WELLS ROAD	2

### March 22, 2016 PPE Polling Place Proposals

<i>Precinct</i>	<i>Voting Area</i>	<i>2016 Polling Places</i>	<i>ADDRESS</i>	<i>CD</i>
142,191,201	34	FOOTHILLS COMMUNITY CHURCH	3301 W OVERTON ROAD	2
073	35	GRACE ST. PAUL'S EPISCOPAL CHURCH	2331 E ADAMS STREET	2
063,078,082	36	HIMMEL PARK BRANCH LIBRARY	1035 N TREAT AVENUE	2
132,183	37	IMMANUEL PRESBYTERIAN CHURCH	9252 E 22ND STREET	2
126,178,199	38	KIRK-BEAR CANYON LIBRARY	8959 E TANQUE VERDE ROAD	2
089,099	39	LIGHTHOUSE - CITY YMCA	2900 N COLUMBUS BOULEVARD	2
091	40	LIVING FAITH CHRISTIAN CENTER	4108 E NORTH STREET	2
119,120,122	41	22ND STREET BAPTIST CHURCH	6620 E 22ND STREET	2
239	42	LUTHERAN CHURCH OF THE FOOTHILLS	5102 N CRAYCROFT ROAD	2
153	43	FAITH CHRISTIAN FELLOWSHIP	3141 W IRONWOOD HILLS DR	2
057,164,237	44	MONTE VISTA CHRISTIAN UNION CHURCH	1140 E ROGER ROAD	2
009,118	45	MORRIS K UDALL RECREATION CENTER	7200 E TANQUE VERDE ROAD	2
166	46	MOUNTAIN AVENUE CHURCH OF CHRIST	2848 N MOUNTAIN AVENUE	2
130	47	NEW SPIRIT LUTHERAN CHURCH	8701 E OLD SPANISH TRAIL	2
109,198,221	48	OCOTILLO RIDGE ELEMENTARY SCHOOL	10170 S WHITE LIGHTNING LANE	2
056,210,211	49	ORANGE GROVE MIDDLE SCHOOL	1911 E ORANGE GROVE ROAD	2
225	50	ORANGE GROVE MOBILE ESTATES	3635 W MANGO DRIVE	2
069,129	51	PANTANO BAPTIST CHURCH	225 S PANTANO ROAD	2
086	52	PASSION CHURCH	1212 S PALO VERDE AVENUE	2
084	53	QUAIL CREEK MADERA CLUBHOUSE	2055 E QUAIL CROSSING BOULEVARD	2
125,171,241	54	SABINO ROAD BAPTIST CHURCH	2710 N SABINO CANYON ROAD	2
182	55	SAGUARO CANYON EVANGELICAL FREE CHURCH	10111 E OLD SPANISH TRAIL	2
227	56	SAHUARITA TOWN HALL	375 W SAHUARITA CENTER WAY	2
140,231	57	SANTA CRUZ VALLEY UNITED METHODIST CHURCH	70 E SAHUARITA ROAD	2
187,202	58	SHEPHERD OF THE HILLS LUTHERAN CHURCH	8799 N NORTHERN AVENUE	2
072,075	59	SOUTHERN AZ ASSOCIATION FOR THE VISUALLY IMPAIRED	3767 E GRANT ROAD	2
058,154	60	ST. DEMETRIOS GREEK ORTHODOX CHURCH	1145 E FORT LOWELL ROAD	2
067,068,167	61	ST. FRANCES CABRINI CHURCH	3201 E PRESIDIO ROAD	2
111,117	62	ST. JOSEPH ROMAN CATHOLIC PARISH	215 S CRAYCROFT ROAD	2
080,093	63	ST. MARKS PRESBYTERIAN CHURCH	3809 E 3RD STREET	2
029,162	64	ST. ODILIA CATHOLIC CHURCH	7570 N PASEO DEL NORTE	2
116	65	ST. PAUL'S UNITED METHODIST CHURCH	8051 E BROADWAY BOULEVARD	2
088,158,238	66	ST. THOMAS THE APOSTLE CATHOLIC CHURCH	5150 N VALLEY VIEW ROAD	2

### March 22, 2016 PPE Polling Place Proposals

<b>Precinct</b>	<b>Voting Area</b>	<b>2016 Polling Places</b>	<b>ADDRESS</b>	<b>CD</b>
100,106,107	67	STREAMS IN THE DESERT LUTHERAN CHURCH	5360 E PIMA STREET	2
229	68	SYCAMORE ELEMENTARY SCHOOL	16701 S HOUGHTON ROAD	2
179,243	69	TANQUE VERDE BAPTIST CHURCH	2200 N TANQUE VERDE LOOP ROAD	2
180,192	70	THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (Bonanza)	700 N BONANZA AVENUE	2
220	71	REAL LIFE CHRISTIAN FELLOWSHIP CHURCH	3353 N HOUGHTON ROAD	2
030,149	72	THE FOUNTAINS AT LA CHOLLA	2001 W RUDASILL ROAD	2
103,108,189	73	TUCSON WOMAN'S CLUB	6245 E BELLEVUE STREET	2
061,170,214	74	UNITY OF TUCSON CHURCH	3617 N CAMINO BLANCO	2
90,217	75	COTTONWOOD ELEMENTARY	9950 E REES LOOP	2
010	121	EAST SOCIAL CENTER	7 S ABREGO DRIVE	2
055,085,087,230	125	DOVE OF PEACE LUTHERAN CHURCH	665 W ROLLER COASTER ROAD	2
074,193,205	128	DESERT HILLS SOCIAL CENTER	2980 S CAMINO DEL SOL	2
195	146	THE ACADEMY VILLAGE	13701 E LANGTRY LANE	2
232	152	LITTLETOWN COMMUNITY CENTER	6465 S CRAYCROFT ROAD	2
041,203	76	TUCSON MOUNTAIN BAPTIST CHURCH	5757 W AJO HIGHWAY	3
001	77	AJO FEDERATED CHURCH	101 W LOMITA AVENUE	3
025,244	78	AMERICAN LEGION SAHUARO POST #68	4724 S 12TH AVENUE	3
045,246	79	ARMORY PARK CENTER	220 S 5TH AVENUE	3
076	80	BABOQUIVARI DISTRICT OFFICE	FEDERAL ROUTE 19 & FRESNAL CANYON ROAD	3
071	81	CHUKUT KUK DISTRICT	FEDERAL ROUTE 19 & TOPAWA ROAD, VAMORI VILLAGE	3
016,151	82	CHURCH OF THE PAINTED HILLS	3295 W SPEEDWAY BOULEVARD	3
050,160	83	EL PUEBLO SENIOR CENTER	101 W IRVINGTON ROAD	3
018,037	84	ST. MARGARET MARY'S CHURCH	801 N GRANDE AVENUE	3
044,062,143	85	FIRST CHRISTIAN CHURCH	740 E SPEEDWAY BOULEVARD	3
020,144,245	86	FRED ARCHER NEIGHBORHOOD CENTER	1665 S LA CHOLLA BOULEVARD	3
064,066	87	GIDEON MISSIONARY BAPTIST CHURCH	3085 S CAMPBELL AVENUE	3
138	88	GU ACHI DISTRICT	SANTA ROSA COMMUNITY	3
137	89	GU VO DISTRICT OFFICE COMPOUND	INDIAN ROUTE 1, MILE POST 19, GU VO VILLAGE	3
136	90	HICKIWAN DISTRICT	VAYA CHIN VILLAGE	3
048,159	91	CLARION HOTEL & CONFERENCE CENTER	4550 S PALO VERDE ROAD	3
047	92	JOHN VALENZUELA YOUTH CENTER	1550 S 6TH AVENUE	3
054	93	LAKWOOD TOWNHOMES	4200 E BENSON HIGHWAY	3
222	94	MARANA HIGH SCHOOL	12000 W EMIGH ROAD	3

### March 22, 2016 PPE Polling Place Proposals

<i>Precinct</i>	<i>Voting Area</i>	<i>2016 Polling Places</i>	<i>ADDRESS</i>	<i>CD</i>
017,033,097	95	MOST HOLY TRINITY PARISH	1300 N GREASEWOOD ROAD	3
022,157	96	MOUNTAIN VISTA MOBILE HOME COMMUNITY	4545 S MISSION ROAD	3
233,234	97	MT. ZION LUTHERAN CHURCH	4520 W AJO WAY	3
026,051	98	NEW LIFE CHURCH OF GOD	330 W NEBRASKA STREET	3
042,043	99	PASCUA NEIGHBORHOOD CENTER	785 W SAHUARO STREET	3
110	100	PASCUA YAQUI TRIBE COUNCIL CHAMBERS	7474 S CAMINO DE OESTE	3
070,215	101	PICTURE ROCKS COMMUNITY CENTER	5615 N SANDERS ROAD	3
135	102	PISINEMO DISTRICT	WEST HIGHWAY 86, ROUTE 21	3
005	103	ROADRUNNER ELEMENTARY SCHOOL	16651 W CALLE CARMELA	3
092,161,228	104	ACCELERATED ELEMENTARY & SECONDARY SCHOOL	5245 N CAMINO DE OESTE	3
236	105	SAN XAVIER DISTRICT	2018 W SAN XAVIER ROAD	3
155	106	SAN XAVIER MOOSE LODGE	10600 S NOGALES HIGHWAY	3
102,235	107	SANTA CRUZ LUTHERAN CHURCH	6809 S CARDINAL AVENUE	3
003	108	SCHUK TOAK DISTRICT OFFICE	HIGHWAY 86, MILE POST 126.5	3
004	109	SELLS DISTRICT OFFICE	ARIZONA HIGHWAY 86 AND MILE POST 112	3
060,208	110	SERENITY BAPTIST CHURCH	15501 W AJO WAY	3
023,152	111	SOUTHWEST COMMUNITY CENTER	5950 S CARDINAL AVENUE	3
053	112	SUNNYSIDE SCHOOL DISTRICT ADMINISTRATION OFFICE	2238 E GINTER ROAD	3
021,101	113	TUCSON ESTATES	5900 W WESTERN WAY CIRCLE	3
028,052,248	114	VALENCIA BRANCH PUBLIC LIBRARY	202 W VALENCIA ROAD	3
008	157	ARIVACA OLD SCHOOL BUILDING	17180 W 4TH ST (CORNER OF 4TH ST AND 4TH AVE)	3
139	160	SOPORI ELEMENTARY SCHOOL	5000 W ARIVACA ROAD	3
168	165	RANCHO RESORT	15900 S RANCHO RESORT BOULEVARD	3
059,190	166	DESERT DOVE CHRISTIAN CHURCH	6163 S MIDVALE PARK ROAD	3
204	169	MCGEE RANCH SIERRITA MINING	10094 W MCGEE RANCH ROAD	3

### March 22, 2016 PPE Polling Place Proposals

<i>Precinct</i>	<i>Voting Area</i>	<i>2016 Polling Places</i>	<i>ADDRESS</i>	<i>CD</i>
150	116	ALL MAIL		1
175	117	ALL MAIL		1
213	119	ALL MAIL		1
027	123	ALL MAIL		2
065	127	ALL MAIL		2
114	134	ALL MAIL		2
165	140	ALL MAIL		2
186	142	ALL MAIL		2
196	146	ALL MAIL		2
206	148	ALL MAIL		2
240	154	ALL MAIL		2
002	155	ALL MAIL		3
007	156	ALL MAIL		3
019	158	ALL MAIL		3
247	174	ALL MAIL		3

## RISK LIMITING AUDITS

A risk-limiting audit (RLA) can be thought of as an “intelligent incremental manual tally.” It is a manual tally of randomly selected ballots that stops as soon as it is implausible that a full recount would alter the result. As long as it is statistically plausible that a full recount would overturn the result, the RLA continues to examine more ballots. RLAs determine precisely how much hand counting is necessary to confirm election results to a given level of confidence (90% confidence = 10% risk limit).

With RLAs, individual contests or groups of contests can be audited at the same time, using the same sample of ballots, and the winners of all those contests are confirmed by looking at relatively few individual ballots. RLAs can be used in statewide races, with the audit burden shared by multiple county audit teams. There are online worksheets that will do the calculations for these audits.

### **Two RLA Methods: Ballot-Comparison and Ballot-Polling Audits**

The ballot-comparison RLA requires the fewest number of ballots. It involves comparing the interpretation of ballots according to the voting system (the cast vote record or CVR) to a human interpretation of the same ballot. Differences between the two interpretations are noted. Determining whether the audit can stop depends on the number and nature of those differences; the number of ballots examined so far, the risk limit, and the margin<sup>†</sup>. If the reported outcome is correct, the number of ballots required for a 10% risk limit is approximately  $4.8/\text{margin}$  (a 4% margin between winner and loser would require approximately 120 ballots).

The ballot-polling RLA is used in cases where the election system cannot produce the CVR needed to support a ballot-comparison audit. Ballot-polling audits examine a random sample of ballots. When the vote shares in the sample give sufficiently strong evidence that the reported winner really won, the audit stops. Ballot-polling audits require knowing who reportedly won, but no other data from the vote tabulation system. If the reported outcome is correct, the number of ballots required for a 10% risk limit varies but has a mean of about  $4.6/(\text{margin}^2)$ , so a 4% margin would require approximately 2875 ballots.

### **The 2013 Presidential Commission on Election Administration:**

“Different types of audits perform different functions. The Commission endorses both risk-limiting audits that ensure the correct winner has been determined according to a sample of votes cast, and performance audits that evaluate whether the voting technology performs as promised and expected.”

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<sup>†</sup> Margin = (winner votes – loser votes)/number of ballots cast.



## ELECTION INTEGRITY COMMISSION 2015 ANNUAL REPORT

January 2016

### ELECTION INTEGRITY COMMISSION MISSION STATEMENT

*To provide independent oversight of the County election process and to review and make recommendations to the Board regarding election information technology systems as well as technical and procedural matters.*

#### I. INTRODUCTION

The Pima County Election Integrity Commission (EIC) was created on July 1, 2008 by Board of Supervisors' direction. The ten voting members are appointed in the following manner: One member appointed by each of the five sitting Board of Supervisors members for a total of five; one member appointed by the County Administrator; one member appointed by each political party with party recognition in Pima County for a total of four. In addition to the ten voting members, one non-voting *ex officio* staff member is appointed by Pima County.

The Election Integrity Commission posts schedules, agendas and minutes for all meetings on its website:

[www.pima.gov/commission/ElectionIntegrity.shtml](http://www.pima.gov/commission/ElectionIntegrity.shtml)

The Election Integrity Commission Annual report is a publication filed at the close of the calendar year. It is intended to keep Commission stakeholders, County executives/officials, and representatives apprised of important activities, election updates and other relevant information for those unable to attend monthly EIC meetings. The Annual Report will be distributed to the Board of Supervisors and Political Party officials via email, and posted on the EIC website.

## II. EIC MEMBERS

Members are appointed to a term of two years from the date ratified by the Board of Supervisors.

NAME	OFFICE	APPOINTING AUTHORITY	TERM EXPIRES
Bill Beard		BOS District 1	November 17, 2016
Jeffrey Rogers		BOS District 2	January 6, 2017
Tom Ryan	Chair	BOS District 3	July 31, 2016
Beth Borozan		BOS District 4	December 4, 2016
Barbara Tellman	Vice-Chair	BOS District 5	September 30, 2016
Arnold B. Urken		County Administrator	July 31, 2016
Brian Bickel		Democratic Party	May 7, 2017
Matt Smith		Green Party	February 28, 2016
Christopher D. Cole		Libertarian Party	May 14, 2017
Benny White		Republican Party	Resigned January 13, 2015
Karen Schutte		Republican Party	December 7, 2016
Brad Nelson		<i>Ex officio</i>	

## III. 2015 MEETING SCHEDULE

Meetings were held at the Herbert K. Abrams Building, 6550 South Country Club Road in Tucson on the following dates:

- Friday, January 23, 2015
- Friday, February 20, 2015
- Friday, March 20, 2015
- Friday, April 17, 2015
- Friday, May 15, 2015
- Friday, June 26, 2015
- Friday, July 17, 2015
- Friday, August 21, 2015
- Friday, September 25, 2015
- Friday, October 16, 2015
- Friday, November 20, 2015
- Friday, December 18, 2015

## IV. 2015 ELECTIONS CONDUCTED BY PIMA COUNTY

- May 19, 2015 City of South Tucson Recall Election
- November 3, 2015 Consolidated Election

## V. IMPORTANT ISSUES IN 2015

- Pima County's New Central Count System

The Pima County Elections Department replaced its aging election tabulation system with equipment and software from the vendor Election Systems and Software (ES&S), version EVS 5.2.0.0. Pima now has four central count ballot scanners (DS850 units) but has eliminated all of the polling-place scanners. Voters at polling places now drop their ballots into a box and all precinct-cast ballots are counted at central count on Election Night.

The new system was used for the first time in the November 2015 election that included countywide, municipal and school district questions. A total of 190,173 ballots were cast with 157,797 as early ballots (83%). Members of the Republican and Democratic parties conducted a hand count audit of a few randomly selected contests and precincts. The hand count results agreed with system results.

Although the new scanners are substantially faster and more reliable than their predecessors, problems arose in a couple of areas. First, the ballot feeding mechanism failed in one scanner, causing a number of ballots to be crumpled. Two other scanners also exhibited problems. Technicians from ES&S arrived on site and were able to repair the machines by upgrading drive belts and replacing other parts. At least 10 hours of scanning were lost due to these problems. In order to maintain warranty, the scanners must be serviced by ES&S technicians. Previously, staff did all the maintenance. Each time a repair is made, a logic and accuracy test must be run on the repaired machine, adding to the delay time.

Second, the process of saving ballot images turned out to be time consuming, causing long waits (~90 minutes) at the end of counting each day. In addition, the ballot images were causing the server disk to fill due to an incorrect partitioning of the storage drives. As a result, ballot image saving was turned off after storing approximately 90,000 ballot images. In discussions with the vendor, there are potential solutions to the image storage problem that are being pursued by Elections Department staff and the EIC.

Several EIC members observed counting of ballots on the new equipment. Although the equipment is capable of very high speed ballot counting, we observed that a small portion of the ballots, perhaps 10%, were not read on the first scan and had to be stacked up and run through the machines a second or third time. According to the vendor, this is most likely caused by indeterminate ballot marks or skewing of the ballot as it moves through the scanner. In addition, the ballot feeders occasionally pulled in too many ballots at once, causing the machine to jam. In this case, ballots had to be removed and the process restarted. These problems reduce the efficiency of the tabulation process. The advertised scanning rate is between 250 and 300 ballots per minute, depending on ballot size. The vendor provides a rough

estimate of 165 ballots per minute when ballot handling and paperwork tasks are included. One of the EIC members estimated that the ballots were actually processed at an average rate of 7,700 ballots per hour using all four scanners. This figure translates to an average throughput of 32 ballots per minute per scanner, significantly lower than expected. The Elections Department staff and the EIC will be looking for ways to improve efficiency. Even with these problems, ballot processing was more efficient than it had been with the old system.

- Use of Ballot Images for Hand Count Audit

Arizona audits a random selection of both precinct-cast ballots and early ballots (mail-ins). Early ballots are more problematic to audit because they are not sorted by precinct or polling place, so it is not possible to hand count the early ballots from a given precinct. Instead, we select random batches of mixed-precinct early ballots as they are about to be scanned in central count. In order to determine the official vote count totals for these batches, we have to print before-batch and after-batch election summaries, hidden from view, that are then placed in a marked audit box containing the ballot batch. After Election Day, some of these batches are hand counted and compared to the difference between the after-batch and before-batch vote totals.

This process of selecting random batches and printing reports interrupts the flow of processing and might be avoided by using scanner images of early ballots, electronically sorted by precinct and printed. This would allow the auditing of early ballots to be more consistent with the audit of precinct-cast ballots.

The Commission issued a recommendation to the Board of Supervisors to conduct a pilot study that would evaluate the use of images for auditing. Unfortunately, the proposed pilot study is on hold because of problems that arose during the November election in which ballot images filled the server disk to such an extent that the saving of ballot images had to be suspended. This problem will need to be solved prior to initiating the proposed pilot study. In discussions with the system vendor, we think there may be a solution to this problem using image storage options that were not used in the November election.

- Hand Count Audit of Local Contested Races

The November election did not include any of the races that are specifically listed in ARS §16-602, the hand count statute. As a result, there was originally no plan to do any hand count auditing for this election. For several reasons, the Commission recommended that the hand counts be done for selected races (see Attachment 2). The County Attorney and County Administrator took the position that the proposed hand count would violate

state law (see Attachment 3). The Board agreed to the hand count subject to approval by the Attorney General. Both the Attorney General and Secretary of State concluded that there was no violation of state law to conduct a hand count that goes beyond the audit criteria specified in law (see Attachments 4 and 5). Both the City of Tucson and Oro Valley were invited to have their elections included in the hand count. The City of Tucson agreed to participate, but Oro Valley specified conditions that the County Attorney and the Elections Department could not accept and was therefore excluded from the hand count.

The hand count was conducted after the election for selected races and precincts as requested by the Commission. All the hand counts confirmed tabulation results provided by the ES&S system.

- Meetings with Arizona Secretary of State

Arizona Secretary of State Michelle Reagan and State Election Director Eric Spencer attended two EIC meetings in 2015. These meetings provided a forum for discussion on a variety of topics, including revisions to the *Elections Procedures Manual*, potential revisions to election law, policy on the use of ballot images, ballot "selfies," vendor warranties, the possibility of Election Integrity Commissions in other counties, uniformity in election reporting, funding for the Presidential Preference Election, and certification requirements for election equipment.

The Secretary of State had promised a series of public meetings to discuss potential changes to the *Election Procedures Manual*, but these meetings never took place. The Secretary of State and the State Elections Director have also provided very little information regarding their plans for changes to election law, despite requests from the EIC. They did express interest in revising ARS §16-602, the hand count law, with the goal of simplifying the language. EIC members have been asked to make recommendations.

- Compliance with Arizona's Open Meeting Laws

The Election Integrity Commission has adopted a policy of yearly refresher training on Arizona's Open Meeting Laws for all Commission members during a regularly scheduled meeting. This training was conducted by the Pima County Attorney's office on April 17, 2015.

## **VI. RECOMMENDATIONS TO PIMA COUNTY BOARD OF SUPERVISORS**

1. April 17, 2015: Memo to the Board recommending that the Board direct the Elections Department to conduct a Pilot Study on the use of ballot images to enhance the integrity of post-election hand count audits. (See Attachment 1)

The Board received the recommendation but the recommendation has not yet been brought forward for discussion and/or vote at a public meeting due to issues with the storage of ballot images on the new central count system.

2. September 28, 2015: Memo to the Board recommending a hand count audit of the November 3, 2015 Consolidated Election. (See Attachment 2) The recommendation was unanimously approved contingent upon opinions by the Arizona Attorney General and the Arizona Secretary of State.

## **VII. INPUT FROM PUBLIC**

While not a requirement under Arizona's Open Meeting Laws, the Election Integrity Commission follows best practices by allowing members of the public to address the Commission during the Call to the Public segment of meetings. To accommodate a request made by some members of the public, the EIC moved the Call to the Public from the end of each meeting to closer to the beginning. In 2015, the EIC heard from a variety of speakers from the public:

- October 16, 2015: An email from the public was read aloud, commending the Commission for the recommendation for the hand count audit of the November 3, 2015 Consolidated Election.
- November 20, 2015: Speakers were heard concerning the Commission's recommendation for a hand count audit of the November 3, 2015 Consolidated Election, and the County's response to the recommendation.

EIC members are prohibited by Arizona's Open Meeting Laws from responding substantially to speakers' issues unless they are noticed on the meeting agenda. However, the Commission encourages public attendance and participation.

## **VIII. ATTACHMENTS**

- Attachment 1: April 17, 2015 Memo to the Board recommending Ballot Image Pilot Study
- Attachment 2: September 28, 2015 Memo to the Board recommending Hand Count Audit of local races
- Attachment 3: October 8, 2015 County Administrator's opinion to the Board suggesting the hand count of local races would violate state law. Also included are his letters to Attorney General's Office and Secretary of State's Office on Hand Count Audit of local races
- Attachment 4: October 19, 2015 Opinion from Attorney General's Office on Hand Count Audit of local races

Attachment 5: October 19, 2015 Opinion from Secretary of State's Office on Hand Count Audit of local races

ATTACHMENT 1

Page 1

**ELECTION INTEGRITY COMMISSION**

Pima County, Arizona

TO: Honorable Chair and Members  
Pima County Board of Supervisors

FROM: Tom Ryan, Chair   
Election Integrity Commission

DATE: April 17, 2015

RE: Recommendation to Use Ballot Images to Enhance Early Ballot Audit

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The Pima County Election Integrity Commission (EIC) recommends that the Board direct the County Elections Department to conduct a **Pilot Study** on the use of ballot images to enhance the integrity of the post-election hand count for early ballots. Ballot images will be available in future elections with the recently purchased central count tabulation equipment. This will make it possible to hand count early ballots from selected precincts in the same manner as the hand count of precinct-cast ballots. Ideally, the pilot study would be conducted as part of a relatively uncomplicated election such as the 2016 Presidential Preference Election in which there is a small number of races and ballot styles.

**Why? The Current Early Ballot Audit is Insufficient.**

The existing procedure for hand count of early (mailed) ballots differs significantly from that of precinct-cast ballots. For precinct-cast ballots, the audit is "end-to-end," meaning that the hand count tally for the audited races can be compared to figures that appear in the final canvass, or Statement of Votes Cast. In contrast, the hand count of early ballots, which make up more than 70% of the ballots, is done on batches of mixed-precinct ballots and produces tallies that do not appear in any official election results. The result is that the existing early ballot audit only confirms that ballot batches are correctly scanned, but all subsequent data processing, including accumulation of batch totals, sorting and reporting of results, is ignored and remains unaudited. This is a significant shortcoming. The pilot study will evaluate a procedure that would make the early ballot audit equivalent to the precinct-cast ballot audit.

**How? Our New Tabulation Equipment Provides the Technology to Improve Our Election Audits.**

The recently purchased ES&S central count tabulation system includes the capability to create digital images of each and every paper ballot. Once all the ballots are scanned, the database of ballot images can be sorted, by software, into precincts or voting areas. The ballot images associated with selected precincts can then be printed. These printed images can then serve as proxies for the actual paper ballots and can be hand counted in the same manner currently used for the precinct-cast ballots. In order to conduct the same type of audit with actual paper ballots, the ballots would have to be physically sorted by precinct, a labor-intensive job that election officials have been unwilling to do. The ballot images make it possible to avoid physical sorting.

## ATTACHMENT 1

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Honorable Chair and Members  
Pima County Board of Supervisors  
April 17, 2015  
Page 2

**What? A Pilot Study to Evaluate the Use of Digital Images of Ballots in Election Auditing**

The Commission recommends the implementation of a pilot study that will use digital images of ballots as input to the hand count of early ballots. For the study, this would be done in addition to the existing procedures specified in A.R.S. §16-602. The study will produce a report that will contain recommendations as to the efficacy of the approach. Our hope is that the use of ballot images can eventually replace the current early ballot batch method that requires interruption of the central count process to select random audit batches. It may even be possible that all of the auditing could be done with ballot images.

**Cost? Minimal**

The cost for the pilot study is only the cost of printing the ballot images for a few precincts. The paid hand counters will require some additional time for the study, but since they receive a flat daily rate of pay, there will be no additional cost to the County for their labor. We also recommend conducting the pilot study during a relatively simple election, such as the Presidential Preference Election, in which there is a small number of races and a small number of ballot styles. This will keep the auditing time to a minimum.

**Better Audits and Less Handling of Paper Ballots**

If the study is successful, the Commission will recommend a change in state law that would explicitly allow the use of ballot images in election hand counts *as an option* to the current methods specified in statute. Any county with the enabling technology could take advantage of the option to use digital images for auditing. We do not believe that there are any legal barriers to this pilot study. It is simply an enhancement of the existing audit process, and Pima County already goes beyond the legal requirements and enhances the audit by adding additional precincts to the hand count. Eventually, the use of ballot images for auditing will reduce or eliminate ballot handling and chain of custody concerns associated with the hand count audit.

**Summary**

The proposed use of ballot images for auditing has three potential benefits:

- The early ballot audit will be end-to-end, consistent with the audit of precinct-cast ballots.
- The selection of random early ballot batches, which occurs as early ballots are scanned, could eventually be eliminated.
- Conducting hand counts with printed images would eliminate additional handling of paper ballots currently required to support audits.

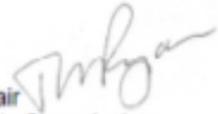
A pilot study is needed to validate the efficacy of the proposed auditing process, and identify any potential roadblocks. The EIC sincerely hopes that the Board will accept this recommendation.

## ATTACHMENT 2

**ELECTION INTEGRITY COMMISSION**

Pima County, Arizona

TO: Honorable Sharon Bronson, Chair  
Pima County Board of Supervisors

FROM: Tom Ryan, Chair   
Election Integrity Commission

DATE: September 28, 2015

RE: Recommendation for Hand Count Audit Following November County Bond  
and City Election

The upcoming November 3 election, to be conducted by Pima County Elections, combines county bond issues with City of Tucson Mayor and council races and city propositions. Currently there is no plan to do a post-election hand count for any of these issues and races since the state law on hand count audits for elections does not apply to non-partisan and local elections.

The Pima County Election Integrity Commission recommends, by a unanimous vote, that a post-election hand count be performed for this election. The Commission recommends this hand count audit for three reasons:

1. Pima County has recently purchased new election equipment and this is the first election that will employ that equipment. Since we have no track record with this equipment, we need to establish the integrity of the tabulation process. This will also provide a better opportunity to become familiar with the new system and its peculiarities.
2. The proposed hand count is consistent with the City of Tucson's standard practice of doing a limited hand count for their elections. The City conducted a hand count for the primary election.
3. We wish to avoid or at least reduce the likelihood of expensive legal proceedings that might arise from distrust of the election system. We recall the cases arising from the 2006 RTA bond election and do not wish a recurrence.

There is nothing in state law to preclude the County from doing a voluntary hand count.

The hand count we recommend would follow the prescription provided in state law and the Secretary of State's Election Procedures Manual, modified as needed for this election's unique circumstances. In this case we would hand count one bond issue, one city council race, and one city proposition, selected randomly. The selected races would be hand counted for ballots cast in 4% of the precincts (about 8) and 1% of the early ballots selected randomly in the manner used in previous elections. As with regular audited elections, the hand count will occur only if a sufficient number of volunteers are available. These hand counters will be paid the usual stipend of \$75. The total cost has been estimated at \$4,500.

Please add this topic to the agenda for the October 6, 2015 Board meeting for discussion and action.

cc: Chuck Huckelberry, Pima County Administrator  
Robin Brigode, Clerk of the Board  
Roger Randolph, City Clerk

ATTACHMENT 3

Page 1



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# MEMORANDUM

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Date: October 8, 2015

To: The Honorable Chair and Members  
Pima County Board of SupervisorsFrom: C.H. Huckelberry  
County Administrator Re: **Hand Count Audit - November 3, 2015 Election Results for the Pima County Bond Propositions**

As directed by the Board of Supervisors, I have asked that Arizona Attorney General Mark Brnovich provide clarification of State law regarding a hand count audit of the November 3, 2015 County Bond Election (Attachment 1). I have corresponded with the Arizona Secretary of State regarding this same subject (Attachment 2).

These letters request timely clarification regarding whether conducting a hand count audit of County bond election results would be a violation of State law and subject county officials to criminal penalties if conducted. As can be seen in the letter to Mr. Brnovich, I have attached a previous County Attorney Legal Opinion regarding same that indicates such is, in their opinion, precluded. This opinion dates from 2008 therefore this is not a new issue.

I have asked the County Attorney and the Clerk of the Board to place this item on the October 20, 2015 Board of Supervisors agenda, since that is the last Board meeting to occur before the November 3, 2015 election and will be the last opportunity to provide direction to staff on conducting a hand count audit of the County bond election results.

Staff would like to proceed with a hand count audit; however, we do not wish to subject the Board to a violation of State law and associated exposure to criminal penalties.

I do not recommend a hand count audit of the County bond election results unless it is clear the Board and the County will not be subject to prosecution and/or penalties for any violation of State law.

CHH/anc

## Attachments

c: Thomas Weaver, Chief Civil Deputy County Attorney  
Ellen Wheeler, Assistant County Administrator  
Brad Nelson, Director, Elections Department  
Chair and Members Election Integrity Commission

ATTACHMENT 3

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**COUNTY ADMINISTRATOR'S OFFICE**

PIMA COUNTY GOVERNMENTAL CENTER  
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317  
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY  
County Administrator

October 6, 2015

The Honorable Mark Brnovich  
Arizona Attorney General  
1275 W. Washington Street  
Phoenix, Arizona 85701-1367

Re: Request for Legal Opinion Regarding Hand Count of Local Elections

Dear General Brnovich:

The Pima County Board of Supervisors met today and requested an opinion from the Attorney General regarding the permissibility of a hand count audit of the County's November 3, 2015 Bond Election, as well as mayor and council races for the City of Tucson (a charter city) and the Town of Oro Valley recall election. If the County were to conduct this hand count, would Pima County be in violation of A.R.S. § 16-602(B)(2)(f)? That statute states in part:

*"If there are no contested races as prescribed by this paragraph, a hand count shall not be conducted for that precinct for that election."*

As you know, Pima County is not a charter county. We are a political subdivision and as such can take only those actions authorized by State law. See attached Pima County Attorney Opinion 08-03. A.R.S. § 16-602(B) and the referenced procedures established by the Secretary of State are silent regarding conducting a hand for local elections; however, a reading of Paragraph F cited above could be construed to preclude such. A violation of this section of State law could constitute a Class 6 felony, A.R.S. § 16-1010, and a violation of the Arizona Elections Procedures Manual could constitute a Class 2 misdemeanor, A.R.S. § 16-452(C). Accordingly, we will not proceed with a hand count audit of the local elections without guidance from your office.

ATTACHMENT 3

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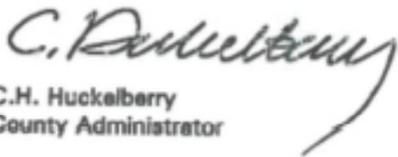
The Honorable Mark Brnovich  
Re: Request for Legal Opinion Regarding Hand Count of Local Elections  
October 6, 2015  
Page 2

We have also requested guidance from the Arizona Secretary of State concerning the Arizona Elections Procedures Manual. The Arizona Elections Procedures Manual also appears silent on such and prescribes hand count audits only for national or state elections, not local elections. Ariz. Sec'y of State, *Arizona Elections Procedures Manual*, at 189 (2014). However, it also states, "If there are no contested races in any of the designated categories, no hand count will take place." *Id.* at 193.

Pima County has an Election Integrity Commission (EIC), and the EIC's recommendation to the Board of Supervisors is attached for your information. We are in agreement with the EIC recommendation, provided we can conduct such a hand count audit without violating State law. Our elected officials need to be sure they will not be prosecuted for a hand count audit of the local elections.

We ask for your expedited review of this matter so we may plan for the hand count audit following the November 3, 2015 election.

Sincerely,

  
C.H. Huckelberry  
County Administrator

CHH/anc

Enclosure

c: The Honorable Chair and Members, Pima County Board of Supervisors  
The Honorable Barbara LaWall, Pima County Attorney  
Thomas Weaver, Chief Civil Deputy Pima County Attorney  
Chair and Members, Pima County Election Integrity Commission

ATTACHMENT 3

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OFFICE OF THE  
**Pima County Attorney**  
**Civil Division**

32 N. STONE  
 SUITE 2100

**Tucson, Arizona 85701-1412**

(520) 740-5760  
 FAX (520) 620-8556

**Barbara LaWall**  
 PIMA COUNTY ATTORNEY

**OPINION NO. 08-03**

To: C.H. Huekelberry, County Administrator

From: Christopher Straub, Chief Civil Deputy County Attorney  
 Daniel Jurkowitz, Deputy County Attorney

Date: October 24, 2008

Subject: *Hand Count Audit Requirements.*

Arizona counties use computerized elections systems for counting ballots. In 2006, the Legislature amended A.R.S. § 16-602 to establish a hand count audit procedure "[f]or each countywide primary, general and presidential preference election" to ensure the integrity of the electronic vote tabulating process. 2006 Ariz. Sess. Laws, ch. 394, § 5. You have asked six specific questions relating to the hand count audit of election results authorized by A.R.S. § 16-602. This Opinion will set forth each of your questions and the answers thereto in the order you have presented them.

1. **Can local contested races be subject to the hand count audit, for example, contested races for the Board of Supervisors or any other local office that may be on the General Election Ballot?**

The hand count audit procedures are set forth in detail in A.R.S. § 16-602. Subsection (C)(2) of that statute specifies the races that are subject to the hand count audit:

2. The races to be counted on the ballots from the precincts that were selected pursuant to paragraph 1 of this subsection for each primary and general election shall include up to five contested races. After the county recorder or other officer in charge of elections separates the primary ballots by political party, the races to be counted shall be determined by selecting by lot without the use of a computer from those ballots as follows:

- (a) For a general election, one statewide ballot measure, unless there are no measures on the ballot.
- (b) One contested statewide race for statewide office.

## ATTACHMENT 3

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(c) One contested race for federal office, either United States senate or United States House of Representatives. If the United States House of Representatives race is selected, the names of the candidates may vary among the sampled precincts.

(d) One contested race for state legislative office, either state house of representatives or state senate. In either case, the names of the candidates may vary among the sampled precincts.

(e) If there are fewer than four contested races resulting from the selections made pursuant to subdivisions (a) through (d) and if there are additional contested federal, statewide or legislative races or ballot measures, additional contested races shall be selected by lot not using a computer until four races have been selected or until no additional contested federal, statewide or legislative races or ballot measures are available for selection.

(f) If there are no contested races as prescribed by this paragraph, a hand count shall not be conducted for that precinct for that election.

In addition to the four races described above, Subsection (C)(5) states: "[i]n elections in which there are candidates for president, the presidential race shall be added to the four categories of hand counted races."

Generally, "[t]he only powers possessed by boards of supervisors are those expressly conferred by statute or necessarily implied therefrom." *Bd. of Supervisors of Apache County v. Udall*, 38 Ariz. 497, 506, 1 P.2d 343, 347 (1931); *Hounshell v. White*, 522 Ariz. Adv. Rep. 27, ¶ 19, 175 P.3d 65, 69 (App. 2008). This is particularly true regarding election matters. See *Barrera v. Superior Court*, 117 Ariz. 528, 573 P.2d 923 (App. 1977) (There is no authority to recount an election absent a specific statute authorizing such recount.)

In this case, there is no express statutory authority enabling the Board of Supervisors to audit a local race, nor is there anything to indicate that this might be an implied power. Rather, the Legislature's decision to include in A.R.S. § 16-602 only certain specific races demonstrates the Legislature's intent to exclude all other races from the hand count audit. *In re Estate of Agans*, 196 Ariz. 367, 370, ¶ 16, 998 P.2d 449, 452 (App. 1999). ("[t]he expression of one or more items in a class generally indicates an intent to exclude all items of the same class that are not expressed.") Here the Legislature's intent to exclude local races is reinforced by the prohibition in Subsection (C)(2)(f) on hand counts for a particular precinct "[i]f there are no contested races as prescribed by this paragraph." (Emphasis added.)

Pursuant to A.R.S. § 16-452(A),<sup>1</sup> the Secretary of State has adopted an Election

<sup>1</sup> This statute reads in pertinent part: "A. After consultation with each county board of supervisors or other officer in charge of elections, the secretary of state shall prescribe rules to achieve and maintain the

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Procedures Manual ("the Manual") which has been approved by the Governor and the Attorney General pursuant to A.R.S. § 16-452(B). Failure to comply with the Manual is a class 2 misdemeanor. A.R.S. § 16-452(C). The Manual provides additional detail regarding the manner in which the hand count audit is to be performed. Pages 217-242 of the Manual describe the selection of races to be hand counted from the randomly selected precincts. The Manual specifically provides:

**"1. Determining the race categories available for this election.** The possible race categories shall be Presidential Elector, Statewide Candidate, Federal Candidate, State Legislative, and Ballot Measure."

ARIZONA SECRETARY OF STATE ELECTION PROCEDURES MANUAL 221 (Oct. 2007) (emphasis supplied).

The Secretary of State's interpretation would be entitled to deference by a court. See *Kahn v. Thompson*, 185 Ariz. 408, 916 P.2d 1124 (App. 1995) (the interpretation given to a statute by the officers charged with its implementation should be given great weight and deference). Therefore, local races are not included in the possible race categories for a hand count audit.

Arizona is a "covered jurisdiction" under Section 5 of the federal Voting Rights Act. A change to any "...practice or procedure with respect to voting..." first must be "precleared" by the U.S. Department of Justice under Section 5 of the Voting Rights Act. 42 U.S.C. § 1973c. A change would specifically include any change concerning counting of votes or in the method of determining the outcome of an election. 28 C.F.R. § 51.13 (2008).<sup>2</sup> Both A.R.S. § 16-602 and the Manual have already been submitted to and precleared by the Department of Justice. Because the results of a hand count audit could constitute the official count for a race, A.R.S. § 16-602(F), any change to the existing hand count procedure as specified in either statute or in the Manual would require additional preclearance from the Department of Justice.

- 2. What [is] the proper number of precincts to be audited, and can the Board of Supervisors, by administrative directive or approved motion, require that twice the number of precincts allowed by state law be subject to hand count audit?**

"At least two per cent of the precincts in that county..." shall be subject to the hand count

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maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots . . . .  
 B. Such rules shall be prescribed in an official instructions and procedures manual to be issued not later than thirty days prior to each election. Prior to its issuance, the manual shall be approved by the governor and the attorney general. . . .  
 C. A person who violates any rule adopted pursuant to this section is guilty of a class 2 misdemeanor."

<sup>2</sup> Violations of the Voting Rights Act are enforceable by the U.S. Attorney General and may result in both civil and criminal sanctions. 42 U.S.C. § 1973j.

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audit. A.R.S. § 16-602(C)(1). Two per cent is the minimum number of precincts that must be audited. The Board of Supervisors, however, has authority to audit more than two percent of precincts and could require that four per cent of precincts be audited in the hand count.<sup>3</sup>

The Board of Supervisors, pursuant to A.R.S. § 16-411, has established 417 precincts in Pima County. Two percent of 417 would be 8.34 and four percent would equal 16.68. The Secretary of State's Election Procedures Manual states:

At least two per cent of the precincts in the county...shall be selected at random from a lot consisting of every precinct in that county. A county shall round to the nearest whole number for the number of precincts to hand count.

ARIZONA SECRETARY OF STATE ELECTION PROCEDURES MANUAL 219 (Oct. 2007).

Applying this provision of the Manual to Pima County's 417 established precincts yields the following results: two percent of the precincts equal 8 precincts and four percent of precincts equal 17.

The Manual, however, further provides:

For any election where there are consolidated polling locations, the amount of precincts to hand count will be based on the number of active polling locations for that election. . . . Precincts without any registered voters shall be excluded from the pool of available precincts in the county.

*Id.* at 219-220. While there are 417 designated precincts in Pima County, there is one precinct without registered voters and only 373 actual polling locations. Two per cent of the resulting number is 7.44. Rounding to the nearest whole number, the Secretary of State would require that the County audit at least 7 precincts, but the County could choose to audit more. In fact, the Board of Supervisors has decided that four percent of precincts shall be audited for each election. This being the case, 15 precincts would be subject to the hand count audit.

Because the number of polling locations in Pima County is less than the number of precincts, the number of precincts to be audited will be different depending upon whether the dictates of A.R.S. § 16-602(C)(1) are followed or whether the Manual's directives are followed. The officer in charge of elections could rely on the statute alone in calculating the minimum number of precincts to audit because the County can always choose to audit more than the minimum number of precincts, regardless of how that number is calculated. Using the lower minimum number of precincts as required by the Manual, however, makes it more likely that a hand count audit will go forward. This is because it is more likely that the resulting lower number of necessary Hand Count Board members, as discussed in the next section of this Opinion, will in fact "arrive to perform the hand count," A.R.S. § 16-602(C)(7). It would also eliminate the possibility of selecting precincts with no voters.

<sup>3</sup> On July 1, 2008, the Board of Supervisors approved the County Administrator's recommendation to "double the number of precincts for hand counting verification over the minimum prescribed by law."

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3. What specific number of Party designated hand count auditors are required to conduct the hand count audit for precincts selected, and does the law prohibit the discretion of the Parties regarding conducting the hand count audit with fewer Party representatives than specified, even though there is agreement and consensus among the Parties to conduct the audit?
4. If the specified number of party observers fail[s] to appear for the hand count audit, can the hand count audit be conducted?

These questions concern the same subject matter and therefore merit a single response. The minimum number of hand count auditors required to complete the hand count audit is set forth in A.R.S. § 16-602(C)(7) which states in pertinent part:

For each precinct that is to be audited, the county chairmen shall designate at least two board workers... If there are less than two persons for each audited precinct available to participate on behalf of each recognized political party, the recorder or officer in charge of elections, with the approval of at least two county party chairpersons in the county in which the shortfall occurs, shall substitute additional individual electors who are provided by any political party from anywhere in the state without regard to party designation to conduct the hand count... If the total number of board workers provided by all parties is less than four times the number of precincts to be audited, the recorder or officer in charge of elections shall notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding the election. The hand count shall not proceed unless the political parties provide the recorder or officer in charge of elections, in writing, a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to § 16-602, subsection C, paragraph 7, arrive to perform the hand count.

The Manual similarly provides:

For each precinct that is to be audited, the County Political Party Chairmen shall designate in writing at least two Hand Count Board members to the County Officer no later than 5:00 p.m. on the Tuesday preceding the election. The County Political Party Chairman shall also designate an appropriate number of alternative Hand Count Board members.

If the total number of Hand Count Board members provided on the lists from all the County Political Party Chairmen is less than four times the number of precincts to be audited, the Election Official shall notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding the election.

The hand count shall not proceed unless the political parties provide the County Officer, in writing, a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election.

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The hand count may not proceed unless the County Political Party Chairmen from two different recognized political parties participate in the hand count. For the hand count to proceed, no more than 75 per cent of the persons performing the hand count shall be from the same political party.

\* \* \*

If less than four Hand Count Board members per precinct fail to appear to perform the Precinct Hand Count and Early Ballot Audit, no hand count will be conducted and the electronic tabulation is deemed the official count. [A.R.S. § 16-602(C)].

ARIZONA SECRETARY OF STATE ELECTION PROCEDURES MANUAL 226 – 227 (Oct. 2007).

Therefore, according to both the applicable statute and the Manual, the minimum number of hand count auditors must equal four times the number of precincts to be audited. Moreover, the hand count audit cannot proceed absent the minimum number of hand count auditors prescribed by both the statute and the Manual.

With one possible exception, these mandates may not be altered by agreement of the political parties. As previously noted in response to Question 1, there is no authority allowing the officer in charge of elections to deviate from the statutory scheme, particularly with respect to the counting of ballots. *Barreza v. Superior Court*, 117 Ariz. 528, 573 P.2d 923 (App. 1977).<sup>4</sup> And, we are unaware of any attempt by the Division of Elections to obtain preclearance from the Department of Justice under Section 5 of the Voting Rights Act for any alternative procedures with respect to the hand count audit.

The only exception to this rule would be in those cases where the Board of Supervisors has authorized more than two per cent of precincts to be audited, but only a number of hand count auditors equal to at least four times the number of those required to audit two percent of precincts "arrive to perform the hand count." A.R.S. § 16-602(C)(7). This is because A.R.S. § 16-602(C), read in its entirety, appears to mandate that a hand count of two percent of precincts must go forward if the minimum prerequisites are met.

**5. Can other precincts be selected for hand counting after the drawing of selected precincts if those precincts are found to have some form of defect such as a seal that has been changed or does not match other documentation?**

<sup>4</sup> It should also be noted that a failure to comply with elections statutes subjects the officer in charge of elections to potential criminal penalties. See, e.g., A.R.S. §§ 16-452(C) (violation of a rule contained in the Secretary of State's procedures manual constitutes a class 2 misdemeanor), 16-1009 (knowingly failing to perform a duty in the manner prescribed by law constitutes a class 3 misdemeanor), 16-1010 (knowingly failing to perform a duty or violating a provision of election law constitutes a class 6 felony unless a different punishment for such act is prescribed by law).

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The manner in which precincts are to be selected for the hand count audit is set forth in A.R.S. § 16-602(C)(1) which states:

1. At least two per cent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county. The county political party chairman for each political party that is entitled to continued representation on the state ballot or the chairman's designee shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer, and the order of selection by the county political party chairmen shall also be by lot. The selection of the precincts shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting center. The unofficial vote totals from all precincts shall be made public before selecting the precincts to be hand counted. Only the ballots cast in the polling places and ballots from direct recording electronic machines shall be included in the hand counts conducted pursuant to this section. Provisional ballots, conditional provisional ballots and write-in votes shall not be included in the hand counts and the early ballots shall be grouped separately by the officer in charge of elections for purposes of a separate manual audit pursuant to subsection G of this section. (Emphasis added.)

The Manual similarly provides:

The County Political Party Chairmen shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer and the order of selection by the County Political Party Chairmen shall also be by lot. The County Officer and the County Political Party Chairmen shall agree to the lot method.

The selection of the precincts shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting center. The unofficial vote totals from all precincts shall be made public before selecting the precincts to be hand counted. The selection of precincts shall occur prior to the selection of the races to be counted.

At least two percent of the precincts in the county or two precincts, whichever is greater, shall be selected at random from a lot consisting of every precinct in that county. A county shall round to the nearest whole number for the number of precincts to hand count.

For any election where there are consolidated polling locations, the amount of precincts to hand count will be based on the number of active polling locations for that election.

ARIZONA SECRETARY OF STATE ELECTION PROCEDURES MANUAL 219 (Oct. 2007) (emphasis added).

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The specified procedure for selecting precincts is as follows:

The process for selecting the precincts for Primary and General Elections is:

1. **Determine Selection Order.** Select by lot the order in which the County Political Party Chairman shall choose. The selection order will apply for the entire hand count process.
2. **Create Lot.** Create a lot containing all precincts.
3. **Select Precincts.** Draw the required two per cent or two precincts to be counted *among a lot containing every precinct in the county*. Precincts without any registered voters shall be excluded from the pool of available precincts in the county. The County Political Party Chairmen shall alternate selecting precincts based on the order defined in step one from the lot until the required number of precincts is selected.
4. **Record Precincts.** The County Officer shall record the precincts to be hand counted in Section A of the Master Precinct and Race Selection Worksheet. The precincts shall be listed in order selected. The order of the precincts shall be used when selecting the contested races in section VI of this procedure.

ARIZONA SECRETARY OF STATE ELECTION PROCEDURES MANUAL 219-220 (Oct. 2007)  
(emphasis added.)

As the emphasized language indicates, every eligible precinct must be included in the lot of precincts subject to the random selection. If the Legislature had intended a different result, it could have specifically provided that precincts with certain anomalies would not be included in the hand count audit. The fact that such exclusions do not appear in the statute is consistent with the Legislature's intent to ensure the ballots from all precincts are subject to random inspection. Otherwise, the very purpose of the random audit might be defeated because those persons intent on tampering with election results would have an incentive to cause the disqualifying anomalies in certain precincts, thereby preventing the hand counting of ballots cast in those precincts.

6. **What is the authority of the Elections Director to conduct the hand count process and maintain order and control of the process to ensure that it is accomplished in an accurate manner?**

The officer in charge of elections, currently in Pima County the Elections Director, has authority to "...prohibit persons from participating in the hand count if they are taking actions to disrupt the count or are unable to perform the duties as assigned." A.R.S. § 16-602(C)(7). The Secretary of State's Election Procedures Manual expands this authority:

## ATTACHMENT 3

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The County Officer has the right to remove any Hand Count Board member they deem to be disruptive to the hand count process. The County Officer may prohibit persons from participating in the hand count if they are taking actions to disrupt the count or are unable to perform the duties as assigned.

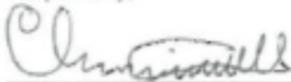
ARIZONA SECRETARY OF STATE ELECTION PROCEDURES MANUAL 227 (Oct. 2007).

**Conclusion.**

The questions you have presented have been clearly addressed in the statutes and in the Secretary of State's Election Procedures Manual. It is the unambiguous intent of the Legislature that elections are to be conducted with "the maximum degree of correctness, impartiality, uniformity and efficiency." See, e.g., A.R.S. §16-452(A). Deviation from the statutes and the Manual, for whatever reason, that contravene that intent or that result in procedures that have not been precleared by the Department of Justice are generally impermissible.

Please let us know if you have any additional questions or concerns regarding this matter.

Respectfully,



Christopher Straub  
Chief Civil Deputy County Attorney



Daniel Jurkowitz  
Deputy County Attorney

cc: Barbara LaWall, Pima County Attorney  
Amelia Cramer, Chief Deputy County Attorney  
Brad Nelson, Director, Division of Elections

**ELECTION INTEGRITY COMMISSION**  
Pima County, Arizona

**TO:** Honorable Sharon Bronson, Chair  
Pima County Board of Supervisors

**FROM:** Tom Ryan, Chair  
Election Integrity Commission



**DATE:** September 28, 2015

**RE:** Recommendation for Hand Count Audit Following November County Bond and City Election

The upcoming November 3 election, to be conducted by Pima County Elections, combines county bond issues with City of Tucson Mayor and council races and city propositions. Currently there is no plan to do a post-election hand count for any of these issues and races since the state law on hand count audits for elections does not apply to non-partisan and local elections.

The Pima County Election Integrity Commission recommends, by a unanimous vote, that a post-election hand count be performed for this election. The Commission recommends this hand count audit for three reasons:

1. Pima County has recently purchased new election equipment and this is the first election that will employ that equipment. Since we have no track record with this equipment, we need to establish the integrity of the tabulation process. This will also provide a better opportunity to become familiar with the new system and its peculiarities.
2. The proposed hand count is consistent with the City of Tucson's standard practice of doing a limited hand count for their elections. The City conducted a hand count for the primary election.
3. We wish to avoid or at least reduce the likelihood of expensive legal proceedings that might arise from distrust of the election system. We recall the cases arising from the 2006 RTA bond election and do not wish a recurrence.

There is nothing in state law to preclude the County from doing a voluntary hand count.

The hand count we recommend would follow the prescription provided in state law and the Secretary of State's Election Procedures Manual, modified as needed for this election's unique circumstances. In this case we would hand count one bond issue, one city council race, and one city proposition, selected randomly. The selected races would be hand counted for ballots cast in 4% of the precincts (about 8) and 1% of the early ballots selected randomly in the manner used in previous elections. As with regular audited elections, the hand count will occur only if a sufficient number of volunteers are available. These hand counters will be paid the usual stipend of \$75. The total cost has been estimated at \$4,500.

Please add this topic to the agenda for the October 6, 2015 Board meeting for discussion and action.

cc: Chuck Huckelberry, Pima County Administrator  
Robin Brigode, Clerk of the Board  
Roger Randolph, City Clerk

SEP 28 15 15:12:25 PC CLK (CF RD)



**COUNTY ADMINISTRATOR'S OFFICE**

PIMA COUNTY GOVERNMENTAL CENTER  
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317  
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY  
County Administrator

October 6, 2015

The Honorable Michele Reagan  
Arizona Secretary of State  
1700 W. Washington Street, Floor 7  
Phoenix, Arizona 85007

**Re: Request for Legal Opinion Regarding Hand Count of Local Elections**

Dear Secretary Reagan:

Please find enclosed my October 6, 2015 request of Attorney General Mark Brnovich for a legal opinion regarding the permissibility of a hand count of local elections.

The Pima County Board of Supervisors is also requesting your office's review and guidance regarding this subject, as the Arizona Elections Procedures Manual prescribes hand count audits only for national or state elections, not local elections.

We would appreciate receiving your guidance as soon as possible to facilitate planning for a hand count audit.

Sincerely,

C.H. Huckelberry  
County Administrator

CHH/mjk

Enclosure

ATTACHMENT 4

Page 1



## OFFICE OF THE ARIZONA ATTORNEY GENERAL

October 19, 2015

C.H. Huckelberry  
County Administrator  
Pima County Governmental Center  
130 W. Congress, Floor 10  
Tucson, AZ 85701-1317

Dear Mr. Huckelberry,

You requested a formal opinion from this Office, asking whether it would violate A.R.S. § 16-602(B)(2)(f) to conduct a hand count of Pima County's November 3, 2015 bond election, the City of Tucson's mayor and city council elections, and the Town of Oro Valley's recall election. As you may be aware, our formal opinion process necessarily involves several layers of review and is not, therefore, conducive to a speedy turnaround. We understand time is of the essence regarding your request, at least in part because the Pima County Board of Supervisors is holding its final pre-election meeting this week and would like to consider this office's opinion on the question presented. For these reasons, we offer the following informal opinion regarding the applicability of A.R.S. § 16-602(B)(2)(f) to the upcoming elections: Pima County would not violate A.R.S. § 16-602(B)(2)(f) if it were to conduct a hand count of the races in question because (1) any hand count of these races would be outside the scope of A.R.S. § 16-602 and (2) A.R.S. § 16-602(B)(2)(f) does not affirmatively bar hand counts outside the scope of the statute.

A.R.S. § 16-602(B) applies to "*countywide* primary, special, general and presidential preference election[s]." (Emphasis added). Further, as part of the triggered A.R.S. § 16-602 hand count, the county official in charge of elections is instructed to count selections from the following categories of contested races: statewide ballot measures, races for statewide office, races for federal office, and races for statewide legislative office.<sup>1</sup> A.R.S. § 16-602(B)(a)-(e). If

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<sup>1</sup> Although it is possible to read ambiguity into whether A.R.S. § 16-602(B) intends to include only statewide ballot measures or statewide and local ballot measures, we believe the context of A.R.S. § 16-602(B) counsels in favor of the statewide ballot measure interpretation. The structure of A.R.S. § 16-602(B)(2) suggests that ballot measure in A.R.S. § 16-602(B)(2)(e) refers to the statewide ballot measures in A.R.S. § 16-602(B)(2)(a), as does the use of the modifier "additional" in A.R.S. § 16-602(B)(2)(e). This approach is also consistent with the approach taken in the Election Procedures Manual. See State of Arizona's Election Procedures Manual at 193 (2014); see also A.R.S. § 16-602(B) ("The hand count shall be conducted as prescribed by this section and in accordance with hand count

ATTACHMENT 4

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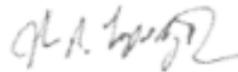
C.H. Huckelberry  
County Administrator  
October 19, 2015  
Page 2

there are no contested races from these categories in a particular precinct, A.R.S. § 16-602(B)(2)(f) instructs the county official in charge of elections not to conduct an A.R.S. § 16-602 hand count in that precinct. Under this analysis, none of the elections at issue would trigger a full A.R.S. § 16-602 hand count.

Further, A.R.S. § 16-602(B)(2)(f) does not affirmatively bar hand counts outside of A.R.S. § 16-602. That section only provides instructions for the county official in charge of elections on what races to count in an A.R.S. § 16-602 hand count. See A.R.S. § 16-602 ("The hand count shall be conducted in the following order"); A.R.S. § 16-602(B)(2) ("The races to be counted on the ballots from the precincts that were selected . . . shall include up to five contested races . . . as follows"); A.R.S. § 16-602(B)(2)(f) ("If there are no contested races as prescribed by this paragraph, a hand count shall not be conducted *for that precinct* for that election.") (emphasis added).

Please note this informal opinion does not address any of the following issues: (1) the source of Pima County's authority, if any, for a hand count outside the scope of A.R.S. § 16-602 for the races in question, (2) the procedures the County should use for any hand count since A.R.S. § 16-602 would not apply, and (3) what effect, if any, a hand count outside of A.R.S. § 16-602 would have on the official outcome of the election.

Sincerely,



John R. Lopez IV  
Solicitor General

JRL/bg

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procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452.'").



MICHELE REAGAN  
Secretary of State  
State of Arizona

October 19, 2015

C.H. Huckelberry  
County Administrator, Pima County  
130 W. Congress, Floor 10  
Tucson, AZ 85701-1317

Re: Response to Request for Legal Opinion Regarding Hand Count of Local Elections

Dear Mr. Huckelberry:

The Secretary of State received your letter dated October 6, 2015, which requested the Secretary's guidance on the permissibility of conducting a hand count audit pursuant to A.R.S. § 16-602 with respect to a local election. The Secretary has concluded there is no legal prohibition on conducting a hand count of local races.<sup>1</sup> While the results of that local hand count will be purely advisory,<sup>2</sup> and therefore have no effect on the official election results, the Secretary agrees that additional scrutiny of voting equipment is healthy for the electoral process and concurs with the Board of Supervisors' unanimous vote authorizing the hand count.

#### Statutory Authorization for Hand Count of Local Races

A.R.S. § 16-602, along with Chapter 12 of the Secretary of State's Election Procedures Manual ("Manual"), require that a precinct hand count and early ballot audit (collectively, a "hand count") be conducted following each primary, special, general and presidential preference election. See e.g. A.R.S. § 16-602(B); Manual at 189.<sup>3</sup> No more than five contested races may be hand-counted. A.R.S. § 16-602(B)(2); Manual at 193. A "contested race" includes a ballot measure election, and is not limited to candidate races. See A.R.S. § 16-602(B)(2)(a) & (e) (classifying a statewide ballot measure as a "contested race").

However, the statute contemplates that only federal, statewide and legislative races are subject to the official hand count prescribed by A.R.S. § 16-602. See A.R.S. § 16-602(B)(2)(a)-

<sup>1</sup> The Secretary of State has no prosecutorial jurisdiction and therefore expresses no opinion as to the applicability of the criminal provisions in A.R.S. § 16-452(C) and § 16-1010. Enforcement is solely the province of the Arizona Attorney General and Pima County Attorney.

<sup>2</sup> See EIC Memo to Pima County Board of Supervisors, September 28, 2015 (requesting the County conduct "a voluntary hand count").

<sup>3</sup> The hand count "shall be conducted as prescribed by [§ 16-602] and in accordance with hand count procedures established by the Secretary of State in the official instructions and procedures manual[.]" A.R.S. § 16-602(B).



MICHELE REAGAN  
*Secretary of State*  
*State of Arizona*

(d) and (B)(5); Manual at 193-194. If there is a shortfall in any category, the statute does not contemplate the substitution of local races; rather, the officer in charge of elections must select "additional contested federal, statewide or legislative races" to conduct the hand count. A.R.S. § 16-602(B)(2)(e); Manual at 193, 195-196. If there are no contested federal, statewide or legislative races on the ballot, "a hand count *shall not be conducted* for that precinct for that election." A.R.S. § 16-602(B)(2)(f) (emphasis added); Manual at 193 ("If there are no contested races in any of the designated [federal, statewide or legislative] categories, *no hand count* will take place.") (emphasis added); *see also* A.R.S. § 16-602(F) (requiring the corresponding early ballot audit to encompass "the same races that are being hand counted pursuant to subsection B"). Accordingly, local contested races have no place in the statutorily-prescribed process for conducting a post-election hand count.

#### **Applicability of Existing Statutory Scheme**

Since A.R.S. § 16-602 excludes local races from consideration, any voluntary hand count conducted by Pima County officials will have no effect on the official election results. In particular, the following hand count provisions will have no applicability to Pima County's intended course of action:

- A.R.S. §§ 16-602(C)-(E) require successively larger hand counts to be conducted in the event of significant difference between the electronic tabulation results and hand count results in a particular race. In extreme cases, when a jurisdiction-wide hand count is required, the precinct hand count constitutes the official count for the contested race in question, in lieu of the original electronic tabulation results. *See* A.R.S. § 16-602(E). Since local races have no place in this statutory scheme, the electronic tabulation results shall constitute the official count in the Pima County races notwithstanding any divergences in the hand count results.
- A.R.S. § 16-602(I) states that "[t]he hand counts prescribed by this section . . . shall be completed before the canvassing of the election for that county." *See also* Manual at 190 ("The Precinct Hand Count and Early Ballot Audit . . . shall be completed before the canvassing of the election for the county."). Since a local hand count is not prescribed in statute, the County need not complete this voluntary hand count prior to canvassing the election. Indeed, under no circumstances shall the canvass be delayed on account of the local hand count.
- A.R.S. § 16-602(I) further provides that "[t]he results of those hand counts shall be provided to the Secretary of State, who shall make those results publicly available on the Secretary of State's website." *See also* Manual at 191. This has no applicability and therefore Pima County need not provide local hand count results to the Secretary of State. Nor is the Secretary of State required to post these local hand count results in accordance with the statute.

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MICHELE REAGAN  
Secretary of State  
State of Arizona

- A.R.S. § 16-602(J) provides that when “a hand count has been expanded to all precincts in a jurisdiction, the Secretary of State shall make available the escrowed source code for that county to the Superior Court[,] [who] shall appoint a special master to review the computer software . . . [and] issue a public report to the court[.]” Here, in the event that Pima County’s voluntary local hand count extends to all precincts, the special master provision will not be triggered.
- Pages 202-203 of the Manual require that hand count results be aggregated on the Hand Count Cumulative Sheet. *See also* Manual at 371-372 (sample “Aggregate – Precinct Hand Count Report” and “Aggregate – Early Ballot Audit”). The County must also prepare a “Hand Count / Early Ballot Audit Report” in the specified format. *See* Manual at 373. Collectively, these reports document the official results from the hand count process. Since Pima County’s proposed local hand count is purely advisory, the County should not include the local hand count results in these reports.

#### Propriety of Conducting the Local Hand Count

Notwithstanding the legal restrictions triggered by Pima County’s proposal, the Secretary of State encourages this voluntary exercise and believes that expanded hand counts represent good public policy.<sup>4</sup> Indeed, the Secretary recognizes that Pima County—along with the Election Integrity Commission and members of the general public—merely seek to improve the electoral process by ensuring the voting equipment is accurate and secure. This is especially important in light of the fact Pima County is using new central count equipment this election. The Secretary strongly encourages such efforts, and trusts that Pima County voters will be reassured through this process.

Very truly yours,

Eric Spencer  
State Election Director  
Arizona Secretary of State Michele Reagan  
[espencer@azsos.gov](mailto:espencer@azsos.gov)  
602.542.8683

cc: James Driscoll-MacEachron  
Assistant Attorney General

<sup>4</sup> The Secretary of State assumes that any additional costs for the proposed local hand count will be borne by its proponents.